IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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TUESDAY, THE SEVENTH DAY OF FEBRUARY

TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WP.No.2345 OF 2006

Between**:**

Hasti Subba Raju … Petitioner

Versus

1. The Municipal Commissioner,

Rajampet Municipality,

Kadapa district.

2. The Revenue Divisional Officer,

Rajampet, Kadapa district. … Respondents

Counsel for the Petitioner: Mr.Ch.Janardhan Reddy

Counsel for the Respondents: Govt.Pleader for Revenue

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O R D E R :

This writ petition is filed to declare the action of the respondents in trying to demolish the house bearing no.5/506-B-II-FG, situate at Noonevaripalle Road, Rajampet, Kadapa district belonging to the petitioner without issuing any notice, as illegal,

arbitrary and against the principles of natural justice.

It is stated that the petitioner purchased the land in an extent of Ac:0-05 cents in survey no.902 of Noonevaripalle Road, Rajampet, Kadapa district from one Mr.P.Rangaiah Naidu,GPA holder of Palleti Prasad and Maddipati Suresh Babu on 21-8-1995 for a sale consideration of Rs.97,000-00 under a registered sale deed bearing document no.1419/1995. Since then, the petitioner is in possession of the said land by paying all the taxes to the Government.

It is stated that on 17-1-2004 the petitioner submitted an application along with the plan and sanctioned layout for construction of residential house in his land before the first respondent and the first respondent has granted necessary permission for construction of the house vide Proceedings No.BLR.No.296/03-04 dated 31-1-2004 under section 121 of A.P. Gram Panchayat Act 1994 under G.O.Ms.No.377, PRD dated 12-10-1973, as the first respondent was previously Gram Panchayat. The Rajampet Gram Panchayat was converted into Municipality in the year 2005. After the permission granted by the first respondent, the petitioner by availing the loan from Indian Overseas Bank, Rajampet constructed the said house as per plan and paying the house-tax and electricity bills regularly.

It is further stated that Noonevaripalle road has a width of 35 feet out of which 20 feet wide road has been laid with cement and the remaining 15 feet has been left over on both sides of the road equally. Now the first respondent without any reason

threatening the petitioner that he will demolish his house for widening the road and marked about 80% of his house and land for demolition without issuing any notice under any law till date. Further the respondents earmarked only on one side of the road for demolition and they are not touching the other side of the road without being any reason.

The grievance of the petitioner is that the respondents are trying to demolish on one side of the road only i.e., towards his house side on western side and covering to demolish about 80% of his house without touching the other side of the road i.e., eastern side, without following the due procedure prescribed under law and without paying any compensation either by way of private negotiations or by way of initiating proceedings under the Land Acquisition Act is utter violation of the principles of natural justice as well as Sections 146 and 147 of the Municipal Corporation Act (for short 'the Act').

No doubt widening/laying of the road is in the public interest. While laying the road, if any property of private individual is coming in the way, it is for the respondents to acquire the same either by way of initiating land acquisition proceedings or by following due process of law.

Having regard to the facts and circumstances of the case, the respondents are directed not to demolish the structures or take away any portion of the property of the petitioner and not to dispossess him without following due process of law under Sections 146 and 147 of the Act or private negotiations or initiating the proceedings

under the Land Acquisition Act, 1894.

With the above direction, the writ petition is disposed of. No costs.

FEBRUARY 7th, 2005. ----------

I s L. V. ESWARAIAH, J.

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